

**UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII**

United States of America,	}	CR 20-00049 DKW
Plaintiff,		ORDER GRANTING MOTION TO CONTINUE TRIAL DATE
vs.	}	Old Trial Date: July 31, 2023 New Trial Date: November 6, 2023
Jason Matsushige,		Defendant.

Mr. Matsushige's oral Motion to Continue Trial, having come before the Court on April 25, 2023, and having heard arguments of counsel, the Court hereby GRANTS Mr. Matsushige's motion and continues the trial date from July 31, 2023 until November 6, 2023. The Court makes the following findings:

Ms. Elliot was appointed to represent Mr. Matsushige on April 18, 2023. She has not received the transfer of files from Mr. Matsushige's former counsel. Ms. Elliot needs adequate time to effectively prepare for trial, taking into account the exercise of due diligence, and a continuance is necessary to accomplish that goal.

This motion is granted over the objection of the Government.

Based on the representations of the defense that a continuance of the trial date to November 6, 2023 is necessary for the preparation of an effective defense, the Court finds that the ends of justice served by continuing the trial from July 31,

2023 to November 6, 2023 outweigh the best interests of defendant and the public in a speedy trial, and the failure to so schedule the trial would likely result in a miscarriage of justice and would deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

The period of time from July 31, 2023 to and including November 6, 2023 constitutes a period of delay which shall be excluded in computing the time in which the case must commence pursuant to the Speedy Trial Act. *See* 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B). Mr. Matsushige was questioned by the Court, and the Court is satisfied that he understands and is in agreement with the continuance.

The transcript from the April 25, 2023 hearing shall serve as further findings of the Court with respect to this continuance.

For all the above reasons, the Motion is GRANTED.

IT IS SO ORDERED.

DATED: April 25, 2023 at Honolulu, Hawai'i.



/s/ Derrick K. Watson

Derrick K. Watson
Chief United States District Judge

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